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**THE FAMILY IN THE PEOPLE'S
SOCIALIST REPUBLIC OF ALBANIA**

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DEVELOPMENT OF THE ALBANIAN FAMILY THROUGH HISTORY

In the Albania of the past the ruling classes and the foreign occupiers had established customs and norms based on the feudal and patriarchal social relations to regulate marriage and family relations. These customs and norms reflected their view of the family and the role of the woman as an inferior being which must be completely subject to man. These customs existed as unwritten laws for many centuries. Only about the second half of the XIX century was part of them collected in the Canon of Lekë Dukagjini¹ and, more fragmentarily, in other canons.

1 The Canon of Lekë Dukagjini is a collection of customary laws (unwritten norms and prescriptions) which were in force in the Albanian territory, espe-

The prevailing form of family organization was the patriarchal family which was characterized by relations of oppression and exploitation of woman by man, and children by parents, by the absolute rule of man as the head of the family and the predominance of backward customs and traditions.

A distinguishing feature of the Albanian family before Liberation was gross inequality between husband and wife and her subordinate position in the family which stemmed from her economic dependence on her husband.

The subordinate position of woman to man manifested itself in the family, too. She had no say either in the family or, even less so, in society. Economic dependence on her husband shut the woman up within the four walls of her house to carry out only her tasks as a housewife and a mother. The woman was considered only as a being destined to bear and rear children and go about household chores.

The whole social system of the time openly supported the inequality existing between husband and wife, the complete submission of the wife to the desires of the head of the family or her husband. The Canon of Lekë Dukagjini contained some of the most enslaving and most barbarous norms that can be imagined for women. It was the reflection of a patriarchal society built on tribal and feudal bases. This is how the Canon defined the position of the wife towards her

cially in its Northern part, in the Middle Ages. The materials of the Canon were collected by the Albanian patriot and scientist Shtjefën Gjegovi in the second half of the XIX century and published in 1913.

husband in the family: «The wife must submit to the rule of her husband, she must rear her children, with honour, must attend to her husband's clothing and footwear, must not interfere in the engagement of her sons and daughters» (Article 33). On the other hand, the husband had the right «to bind and beat his wife when she disobeys him» (Article 58, b). The woman enjoyed no right whatsoever in her relations with her children. «The woman has no right whatsoever over her sons and daughters and no say in family affairs,» says the Canon (Article 58, b). The position of the woman in the management of property was no better. «The housewife must not sell, buy or exchange anything without the approval of the head of the family,» says Article 23/3 of the Canon.

The Ottoman occupation of the country which lasted from the 15th century to the beginning of the 20th century, and its devastating consequences for the economy, agriculture and culture of our people, made the condition of the woman in the family and society even worse. She continued to be considered inferior to man and completely submitted to him; she was treated as a piece of furniture and, under the pressure of Ottoman fanaticism, obliged to live always indoors. The black veil over her face was compulsory whenever she went out. The great English poet, George Byron, speaks about the submissiveness of the Albanian woman and, at the same time, her lofty moral virtues in Canto ii of his poem *Childe Harold*, where he writes about his impressions from a visit in Albania.¹ Feeling the heavy burden of the Ottoman

rule on her country, her people and herself, she imbued her children with patriotism so that they would fight for the freedom of Albania. The Albanian writer Ndre Mjeda expresses the great force of the patriotism of the Albanian mothers when he says that they fed their children the hatred for the enemy through their milk.

During the five-centuries long Ottoman occupation of our country until 1929 when the Civil Code of the Albanian State came into force (April 1929), family relations were dealt with not by the Ottoman Civil Code but according to the religious allegiance of the concerned parties, that is, according to their religion. They were dealt with in three different ways (according to each religion) and in some regions according to the customary law known as the Canon of Lekë Dukagjini or Skanderbeg and which was in force in some mountainous regions of Albania.

For the Moslems family relations were regulated by the Islamic law based on the sacred book (the Koran) which was compulsory for all Moslems.

For the Orthodox Christians family relations were regulated by the Canonic Law of the Orthodox Church, the laws of the Byzantine Empire included in the Hexabibles of Armenopulos (jurist who has codified the Byzantine canonic laws in 6 books)¹.

For the Catholics marriage relations were regulated by law of the Catholic Church.

The state recognised religious marriage only. Besides their religious functions, the clergy also

exercised judiciary functions in a number of penal, civil and family legal questions.

The regulation of family relations on the basis of Moslem, Orthodox or Catholic canonic laws was of a deeply reactionary character. These laws not only placed marriage and the family under their jurisdiction but also legalized the humiliation and submission of the woman.

For the Moslems marriage was a private question, a mere contract. The marriage was sanctioned by the Imam (a jurisconsult theologian) in the presence of two male witnesses or one male and two female witnesses.

At 15 years children were considered to have reached their majority. This was also the age of consent. Marriage of children under the age of consent was permitted only with the approval of the father and, in his absence, with the approval of the tutor appointed by the Sheriat court. The father or the tutor had the right to marry the minor even against his will; in this case, however, when the minor came of age, he had the right to annul the marriage if he who had concluded it was not his father or grandfather.

The Moslem woman did not attend the ceremony of her own marriage. She did not have the right to marry a man of another religion whereas the man enjoyed this right. Polygamy was allowed for the Moslems; the man could have up to 4 wives at a time and divorce them whenever it pleased him. Divorce was easily granted when applied for by the man. A unilateral declaration by the husband was sufficient for the judge to annul the marriage immediately. The man was not obliged to tell his motives for divorce. The

¹ Konstandinos Armenopulos, *Hexaviblos*, 1st ed. 1777, Venice.

woman could apply for divorce only in two cases: when the man was impotent or when he led a dissipated life. In the second case, however, the divorce was granted only when this was envisaged as a provision of the contract of marriage.

Patria potestas was recognised to the father alone. The mother could keep her child until he or she was 7 years old. The father and, in his absence, the mother, managed the property of the child.

An unjust discrimination existed between husband and wife also in the division of inherited property. The woman had less rights. The man was entitled to two parts and the woman to one part of an inheritance. Even when she had children the rule did not change. When there were only female near relatives more distant male relatives were called in to take part of the inheritance.

The Ottoman feudal-military rule did not extend to all the regions of Albania. Some mountain regions never submitted to the Ottoman invaders and maintained a sort of autonomy in which they regulated their inner life on the basis of the customary laws inherited from the time of the tribes.

According to the canonic law of the Orthodox church, marriage was a religious institution. It was contracted in the church in the presence of the priest, a witness and the two spouses. Marriage could not be contracted by proxy.

Only monogamic marriage was permitted. There were some impediments to marriage. A widowed or divorced man could not marry for the fourth time.

The dissolution of marriage was permitted but

always with the approval of the church and only in some well-defined and limited cases: adultery, assassination attempt, humiliating crime, abandonment of the spouse, incurable mental disease, etc.

According to the canonic law of the Catholic church, marriage was a religious institution which was contracted only in the church and in the presence of the two spouses. The contraction of marriage by proxy was not allowed.

Characteristic of the Catholic canon law was that it did not allow the dissolution of marriage. It recognized only personal separation, i.e. separation of table and separation of bed. However, the annulment of non-valid marriage was allowed.

Patria potestas was recognized to the father alone.

As a rule marriages with persons of other religions were not allowed. However, they could be contracted only with the approval of the bishop and on condition that the offspring would be of the Catholic faith. The permission for a marriage between a Catholic and a Moslem was very hard to obtain, not to say impossible.

Catholics could not marry a divorced person of another religion.

From what was said above it emerges that the Moslem, Orthodox and Catholic regulations of family relations which were in force during the five centuries of the Ottoman occupation and even after the Proclamation of the Independence of Albania in 1912, expressed a profound inequality between the two sexes. The woman had no rights whatsoever. When a girl and unmarried she had to submit to the rule of her father, and when married to the rule of her husband.

It was only under the pressure of the progressive forces in the Albanian society that the feudal-bourgeois regime of King Zog (1924-1939) enacted the Civil Code on April 1, 1929. Although it had some serious shortcomings, because both in form and content it was only a copy of the bourgeois Napoleonic Civil Code, it did bring some legislative changes. However, these changes remained a dead letter because everything went on as before.

The Civil Code of 1929 prohibited polygamy which was very common among the Moslem population, made the civil marriage compulsory and recognized the woman equal rights with man in regard to divorce. However, in reality, this Code brought about very few changes in the Albanian family and in the life of the Albanian woman because it maintained the rule of the husband over his wife and children. According to this Code, «The husband is the head of the family and the wife adopts the civil position of her husband» (Article 186), «the wife assumes her husband's name, is obliged to follow him wherever he chooses to live and automatically acquires his citizenship.» The Code proclaimed that the woman had full freedom of action but this freedom remained only on paper; if she wanted to exercise a profession she had to obtain the permission of her husband. Otherwise the questions had to be settled before the judge of peace.

If the candidates for marriage were less than 20 years old approval of the parents was necessary and, when they did not agree between themselves, the approval of the father alone was sufficient.

The ownership relations between the spouses were regulated by special contract which was concluded with the marriage. The law gave the husband the right of management of the property of his wife for the time they were married.

As long as the marriage was not dissolved patria potestas was recognized to the father alone. Only when he was unable to exercise it, was it recognized to the mother. The father represented his children of minor age in all civil proceedings, managed their property and enjoyed the right of usufruct.

All these provisions reflected the inferior position of the woman in the family and in private juridical life, the inequality existing in the feudo-bourgeois society of the time which was based on the exploitation of the majority of the people by a privileged minority. As all the other laws of the time, they reflected class relations in which the woman lived under the burden of a two-fold inequality. On the one hand, along with the majority of the population, she suffered the consequences of the feudo-bourgeois exploitation, while, on the other hand, the ruling system placed her in an inferior and unequal position with man in the family.

In most cases, the woman did not enjoy or exercise the rights that were formally recognized to her. The government authorities were silent about this. Customs inherited from the centuries-long Ottoman occupation were still prevalent and deep-rooted in the Albanian society of the time. King Zog's feudo-bourgeois regime and the obscurantist leading circles were very interested in keeping the majority of the population in

ignorance so that it would be easier for them to rule. Various amendments were made to the laws but the working masses never enjoyed the democratic freedoms. This made the emancipation of the woman even more difficult.

The Zog government took the «decision» of prohibiting the wearing of the yashmak (veil) but this reform remained a dead letter, for no measures were taken to enforce it. The people, and especially the woman remained in a state of ignorance and backwardness during all the period of the anti-popular regime of Zog which followed in the footsteps of its Ottoman predecessors. The people lived in squalid poverty which affected the woman, the mother in particular, who had nothing to feed her children with. Although Albania was «independent» the situation of the woman was very grave in this period of obscurantism and misery. That is why the struggle for social rights of all the working masses and the women together with them was on the order of the day.

The more progressive women embraced the communist and democratic ideas which began to spread in Albania in the 30ies under the direct influence of the Great October Socialist revolution. After the occupation of the country by fascist Italy (1939) and later by nazi Germany (1943), as well as during the resistance and the people's uprising led by the Communist Party of Albania (today the Party of Labour of Albania), which was founded on November 8, 1941, the women took an active part in the Anti-fascist National Liberation War, together with men. On this question, the Party was guided by the Marxist-Leninist teaching that there can be

no revolution without a relatively broad participation of the mass of women.

Speaking about the importance of the participation of women in the Anti-fascist National Liberation War, Comrade Enver Hoxha has said: «If the Party could win the Albanian woman over to its cause, it would win one of the greatest battles, it would, sword in hand, cut through the great darkness that had covered the country and produce a brilliant light, the Albanian woman, in the sky of the Homeland.»¹

The lofty virtues of the Albanian woman - patriotism, the spirit of sacrifice, courage, wisdom and honesty, which she had manifested in all the struggles of the Albanian people for freedom and independence, for national and social rights, assumed a new meaning during the Anti-fascist National Liberation War. Responding to the call of the Communist Party of Albania and under its leadership, the woman entered the road of her salvation. She knew that her own problems, whether political, economic or social, would be solved only with the liberation of the country from the fascist invaders and with the triumph of the people's revolution. That is why women, especially the younger ones, marched shoulder to shoulder with men in the first ranks of anti-fascist demonstrations, that is why they became a powerful support of the Anti-fascist National Liberation War.

Fascism became very quickly aware of the danger Albanian women represented for it. It imprisoned and interned many Albanian women,

¹ Enver Hoxha, *When the Party Was Born (Memoirs)*, Tirana 1983, p. 291, 3rd Alb. ed.

even killed many of them, trying to divert them from the Anti-fascist National Liberation War and the Communist Party of Albania.

However, fascism failed ignominiously in its efforts. The Albanian women spared nothing for the Anti-fascist National Liberation War. There were 6 000 women fighting shoulder to shoulder with men in the 70 000-strong Albanian National Liberation Army. Thousands more worked underground in the occupied zones while many more worked in the liberated territories.

Immediately after it was founded, the Communist Party of Albania, along with the struggle for national liberation, put forward for solution the problem of social liberation. It saw the participation of the women in the National Liberation War as a question of special importance and the women as a powerful weapon without which there could be no genuine national or social liberation. At the same time it sternly combated liberal and extremist views on the family which were opposed to the norms of proletarian morality as well as the slanders of the enemy who accused the communists of being against the family and wanting to destroy it. It fought against conservatism and patriarchalism, against the idea that people should marry in the same religion. The Party was for equality of woman with man in all fields of life, for the pure and sincere love which must characterize the family and treated it as a major social problem, considering woman a decisive factor for the progress of society and the family.

Exposing the bases on which the family was built in the feudo-bourgeois order, the then underground press of the Communist Party of Al-

bania stressed that the feudal relations in the family would be abolished with the overthrow of the old order, that man and woman would no longer be objects of barter and that marriage would cease to be «a contract between the fathers of the two parties». The consent of the couple would be the basis for the creation of a sound family. Their only motive in taking this important step would be mutual love and common ideals.

This could be achieved only through the active participation of women in the National Liberation War, through the uplift of their political consciousness and through struggle against the obscurantism and ignorance that had enveloped them. It was only when all these were achieved, the underground press of the Party stressed, that the eyes of the Albanian woman would be opened, that she would build the family on sound bases, make her family life happier and educate her children well.

All these Marxist-Leninist ideas of the Communist Party of Albania on the creation of the family constituted the theoretical base on which the new family would be built after the liberation of the country and the triumph of the people's revolution.

II

THE SOCIALIST FAMILY IN ALBANIA AND ITS FUNDAMENTAL PRINCIPLES

The liberation of Albania on November 29, 1944 and the establishment of the people's state power created the conditions for the strengthening of the new socialist family, which was required by our new society. Concerning this question, Comrade Enver Hoxha has said: «The family is the basis of our society. The old backward and reactionary concepts on the family cannot be the basis of our family. A sound family must be built on entirely new bases. These are real equality between husband and wife, equal treatment of legitimate and illegitimate children, protection of the mother and the child, strengthening of the position of woman in society and her complete emancipation, control of the parents and tutors so that they accomplish

their duty of raising and educating the children entrusted to their care.»¹

The Party of Labour of Albania defined not only the fundamental principles on which our new family would be built but also showed the ways and methods to be followed for the creation of socialist relations in the family. That is why a great ideological work was carried out for the strengthening of the Albanian family, which is achieved only when correct, equal and free relations based on sincere feelings unaffected by submission or certain concepts on private property, are established.

The regulation of family relations and marriage was reflected in the new family legislation, too. The provisions of this legislation were not simply of a juridical character. They also had a profound political and revolutionary content because they did away with everything old and reactionary which did not conform to the new socialist principles.

So as a result of a correct, Marxist-Leninist assessment of the family, and the radical socialist transformations which have taken place in all fields in our country during the four decades of the people's state power, a new socialist family, completely free of economic exploitation, has emerged.

Our new family rests and grows on a completely new socio-economic basis. Its socialist character is determined by the socialist system of the economy and the socialist ownership of the means of production.

«The family, which is the basis of our so-

1 Enver Hoxha, *Works*, vol. 4, pp. 482-483, Alb. ed.

ciety», says Article 4 of the Family Code, «is based on the relations deriving from marriage, kinship and filiation. It is based on mutual love and respect among its members, on their community of thoughts and ideals, on the congruance of the interests of its members with the interests of society as well as on the best traditions of our people.»

The Albanian family is characterized by its moral and political soundness and ever rising educational and cultural level. It is based on mutual love among its members, honesty, modesty and patriotism, social collaboration and mutual aid, equality of husband and wife in their mutual relations and their relations with the other members of the family, the common responsibility of the parents for the proper education of their children. The family is an important cell of society which exercises a great influence on the patriotic and revolutionary education of the younger generation. It lives in unison with the revolutionary life of the entire society and is characterized by the norms of communist morality.

The family exercises important functions in our socialist society. It is the source of the regeneration of population. And this is one the most important functions of the family because without it the very existence of mankind would be threatened.

The socialist transformations, the raising of the well-being of the people, the special care our socialist state shows for the fulfilment of the daily needs of the family and the creation of favourable conditions for mother and child have greatly intensified the process of the regeneration of the population. Proof of this is the fact

that the natural growth of the population was 27.8 per thousand in 1982 as against 16.9 in 1938. This is also due to the fact that in our country the family is very stable and the Party, the state and the whole society see the child not only as the joy of the family but also as the most sacred and precious treasure of society.

The family has the duty to constantly educate the younger generation in a spirit of sound morality, to train them for useful social activities. This is the main function and distinguishing feature of our socialist family.

The education of the younger generation in Albania has been always treated as a question of primary importance, as a major task of historic importance which can be successfully accomplished only through the joint efforts of the school, the family, the mass organizations and the artistic-cultural organizations as well as the entire society under the leadership of the Party. Many socio-cultural institutions such as kindergartens, schools, sport grounds, etc, have been set up for this purpose and they are playing an ever greater role in this field. From the most tender age, the children pass most of their time in these institutions. These facilities set up by the socialist state to ease the burden of the woman and assist her emancipation as well as the work carried out by the special teaching and cultural institutions for the education of the younger generation in no way diminish the educational role of the family. The development of education by society not only does not weaken the educational role of the family but, on the contrary, strengthens it, makes it more efficient. In Albania there are no contradictions between education by the

family and education by society. What is more, sound socialist education by society assists education by the family. However, among all the centres for education, the family remains an important hearth for the communist education of the younger generation, it is the first educational cell of society. It is in this process of education by the family that the woman plays an ever greater role as a natural and irreplaceable educator of the younger generation.

The economic role of the family in Albania has been weakened as a result of the liquidation of the economic relations of the exploitation of man by man, the overthrow of the exploiting classes and the construction of the economic base of socialism. It is no longer an economic unit which produces material blessings. The economic role of the family consists in providing food, clothing, recreation, rest and the spiritual and intellectual development for its members.

Our socialist family lives on the income of its able-bodied members earned in social productive activity, and on the general social income which each family receives in various ways. The Party of Labour of Albania and the people's state power have provided for the social funds to increase at much more rapid rates than the direct incomes of individual families. Therefore, through a whole network of restaurants and canteens and communal services, society is increasingly taking over the fulfilment of the economic and cultural needs of family members. As a result of measures taken by the state to ease household chores through the marketing of more consumer goods and household appliances, the creation of a broad network of social canteens

and mother and child institutions, the role of the socialist family as an economic unit of consumption has been weakened.

All these directly influence the further strengthening of the educational role of the family. That is why this problem assumes special importance in the conditions of the construction of socialism in Albania.

1. The factors of the transformation of the Albanian family into a family of the socialist type. The transitional period from capitalism to socialism is also characterized by an all-round development of marriage and family relations, by the creation and consolidation of a new type of family — the socialist family. Within a very short period the Albanian family has been transformed from a patriarchal family into a family of the socialist type, and this process is still continuing.

The factors which have made this possible have been many:

First of all, the creation of the new family is linked with the construction of the economic base of socialism. The overthrow of the economic and political state power of the feudal bourgeoisie, the establishment of the socialist relations of production, the liquidation of the exploiting classes, the disintegration of the patriarchal family in the countryside, the participation of women in social production, the changes in the ideology and psychology of both the urban and rural masses have shaken to their foundations the old relations between husband and wife, have introduced many new socialist elements in the family,

strengthened the Albanian family and placed it on a sounder basis.

Because of the very nature of these relations, the changes in the marriage and family relations could not take place immediately and simultaneously both in the city and the countryside. They were more easily accepted in the towns and with more difficulty in the countryside, especially in the remote mountainous regions.

In the towns, where the socialization of the means of production was carried out first, the process of the creation of the new family developed at more rapid rates than in the countryside.

In the countryside, after the implementation of the Land Reform, the peasant family remained an economic unit of production and consumption. It was only with the collectivization of agriculture, that is, when the social productive work of its members in the collective economy became the main source for the fulfilment of the material and spiritual needs of the peasant family, that the process of the creation of the socialist family began in the countryside, too.

The collectivization of agriculture, this major victory of our economic order, brought about a series of changes in the peasant family. Large families of many couples and many generations which were predominant in the countryside before Liberation and in which man, as the head of the family, stood on top of a very strictly defined hierarchy, began to disintegrate very quickly.

The disintegration of the large patriarchal families with more than 15 members was a process which was dictated by certain social and economic factors, — the establishment, extension

and perfection of the socialist relations in production, which, on their part, brought about many changes in the material and spiritual life of the people. In the cities this process developed at more rapid rates: for instance whereas in 1960 families with more than 10 members made up 2.2 per cent of the total number of families, in 1980 they made up only 0.8 per cent. However, this process cannot be considered completed in the countryside where the reduction of the number of families with more than 10 members for the same period has been from 9.1 per cent to 6.3 per cent.

Demographic data of the development and structure of the Albanian family show a tendency to reduction of the number of family members. While families with 3-7 members made up 60.4 per cent of the total number of families in 1950, in 1970 this figure rose to more than 70 per cent. In 1979 the proportion of families of 3-5 members was 79.4 per cent in the city and 64.4 per cent in the countryside. This tendency does not mean that the Albanian family is heading for constant reduction. What is characteristic of it is that it is not only the number of family members that is being reduced but also the number of «families with a single member». So, while in 1930 single persons made up 9.2 per cent of the total number of families, in 1979 they accounted for 3.3 per cent of this number and 0.6 per cent of the population.¹

Second, the policy of the Party of Labour of

1 V. Misja - Y. Vejsiu, *Demographic Transformations of the Family in the PSRA*, p. 75, 78, Alb. ed., Tirana 1984.

Albania and the Albanian state towards marriage and family relations has greatly contributed to the creation and strengthening of the socialist family. The aim of this policy is that equality between husband and wife must not remain on paper but exist in practice, in the family and in all educational, cultural and professional activities of men and women.

For this equality to be guaranteed in the family the state has taken special measures for the protection of the woman as a mother, for the protection and assistance of mothers with many children, creating such conditions as to make household chores lighter for them and enable them to attend to their children's and their own education.

Our socialist legislation, which sanctions the principles on which the family must be built, also plays a major role in the creation of the socialist family. The laws which regulate marriage and family relations are intended to further consolidate the socialist family, to defend the interests of children and women, to educate law-abiding and morally healthy citizens, and to fight against alien left-overs and manifestations in family relations.

Third, the deepening of the ideological revolution, through the broad dissemination of new socialist concepts on the relations between family members, through the struggle for the eradication of the alien left-overs and backward customs which infringe upon the rights of women and do not allow them to occupy the place they deserve in society and, especially, in the family, has also exercised a positive influence on the creation and strengthening of the socialist family.

A new stage in the development of the Albanian family began in 1966, with the Open Letter of the Central Committee of the Party of Labour of Albania to all the working people, with the instructions of Comrade Enver Hoxha at the 5th Congress of the Party of Labour of Albania and especially with Comrade Enver Hoxha's programmatic speech of February 6, 1967.

These major documents of the Party and Comrade Enver Hoxha marked a qualitative upsurge of the struggle for the complete emancipation of women and the strengthening of marriage and family relations. One of the basic ways for the strengthening of the family was the struggle for the complete emancipation of the woman and the liquidation of the actual inequality between husband and wife, linking the emancipation of the woman in the family with her emancipation outside the family, in society. Therefore, the big revolutionary ideological movement for the complete emancipation of women which erupted all over the country, and the economic administrative measures taken at the time, were major factors which contributed to the further development of socialist relations in the family.

The higher educational and cultural level of the family members and the woman in particular have played and continue to play a great role in the creation of socialist relations in the family. The woman is being liberated from patriarchal customs and prejudices which characterized her life and the life of the Albanian family before Liberation both in the city and the countryside.

The Albanian women and girls have made great advance in the field of education and culture, too. Thousands of women and girls gra-

duate from middle and higher schools and thousands others attend full- and part-time schools.

The ever higher education and cultural level of the broad working masses and especially of the women of our country has contributed to the development of democracy, and consequently, to the creation of socialist relations in the family.

In the present stage, the fundamental feature of our family is that it is based on the social ownership of the means of production which rules out inequality, exploitation of man by man, and submission of either sex to the other.

The strengthening and further consolidation of the new socialist family is a continuous process which develops in struggle against all left-overs of the past inherited through the centuries and against all influences from the bourgeois revisionist countries. Therefore, it is the task of the entire society «to pay special attention to the **strengthening of the family and the entire complex of family relations...** fighting hard against all alien manifestations and backward customs...»¹

The Constitution of the People's Socialist Republic of Albania sanctions the fundamental principles on which marriage and the family are built in our socialist society.

One of the fundamental principles of the Constitution is sanctioned in Article 49 which says:

«Marriage and the family are under the care and protection of the state and society.»

1 Enver Hoxha, *Report to the 8th Congress of the PLA*, p. 109, Eng. ed.

In our socialist society only the state deals juridically with family relations.

We do not accept the views of the bourgeois and revisionist ideologists who treat family relations as matters of private concern only. Private and family life is built on relations underlying the development of the entire life of society. Our socialist state and society are not indifferent to the problems which have to do with the creation of the family and its functions, and the development of marriage and family relations in conformity with the norms of communist morality. They condemn any action hampering the normal development of socialist relations in the family or violating the rights of the woman, which are guaranteed by law. «A fresh socialist wind must blow in our family... this wind must blow away 'the idea of private ownership', the idea that family problems are 'simply private problems', it must also blow away anything idealistic in all the manifestations and ideas existing in the family.»¹

According to the directives of the Party of Labour of Albania and the revolutionary practice of the state organs and social organizations, the Family Code of the PSRA is based on a profound analysis of the principle of the Constitution that marriage and the family are under the care and protection of the state and society. The new Family Code charges the state organs and the social organizations with the task of contributing to the strengthening of the socialist family and the education of all its members with the Mar-

1 Enver Hoxha, *Reports and Speeches, 1965-1966*, pp. 437-438, Alb. ed.

xist-Leninist world outlook in struggle against alien manifestations which inhibit the development and further advance of our family (Article 5).

The active role of the state and social organizations in strengthening the family and in the education of its members in the observance of the norms of communist morality is also reflected in a series of duties envisaged in other legal provisions.

Article 83 of the Code of Civil Proceedings says: «Before bringing a lawsuit to court, citizens must make all efforts to settle differences amicably, or ensure the voluntary fulfilment of legal obligations. To this end, citizens ask for the help of the people's councils or social organizations which, through the mediation of those elected to their forums, try to forestall civil differences.» This provision is widely applied in the field of family relations. Experience has shown that many family differences are settled amicably without recourse to law. That is how many inconsiderate demands for divorce have been avoided and many couples reconciled. Naturally this can be done only when the nature of the difference allows its settlement through reconciliation and when reconciliation does not run counter to the law and the rules of socialist coexistence. In such cases, the legal adviser makes a record of the case with the signature of the parties concerned and the question is considered settled according to the conditions laid down in the record (Article 84 of the Code of Civil Proceedings). Only when all efforts to settle the difference amicably fail, is the case passed on to the court on the demand of the party concerned. The educa-

tional work of the state organs and social organizations, the Front, the women and youth organizations, and the Trade Unions, for the creation of deep convictions about the need for the application of the norms of communist morality and the Family Code and the help they give with their advice when a family is in danger of breaking up, contribute to the strengthening of the unity not only within the family but also in the entire society.

So our new laws on the family reflect both the best traditions of our people in the protection of the family and the rich experience of the revolutionary practice of the state organs and social organizations, an experience gained in the process of the development of our socialist order. The attention paid to family problems shows the all-round concern of the socialist state and society for keeping the family, the basic cell of society, as sound as possible.

2. Full equality between husband and wife and the other members of the family as regards their rights and duties is a fundamental principle characterizing our new family. The principle of equality between husband and wife is expressed both in the constitution of 1946 and in the present Constitution. The second paragraph of Article 41 of the Constitution of the PSRA says: «The woman enjoys equal rights with man in work, pay, holidays, social security, education, in all social-political activity, as well as in the family.»

This fundamental principle which is sanctioned in the Constitution and in the legislation in

force, including the laws on the family, and which is applied in the daily life of the Albanian family, is one of the greatest victories in the life of the Albanian people and the Albanian women in particular.

Equality between husband and wife in regard to their rights was first proclaimed in our country in the Declaration on the Rights of Citizens of the Anti-fascist National Liberation Council of Albania which was adopted at the second meeting of this Council held in Berat on November 23, 1944 on the eve of the liberation of the whole country from the nazi-fascist occupiers. This law of major historic importance which sums up the victories of the people's revolution in the field of human rights says: «The woman is guaranteed ...equal rights with man both in the political life of the country and in social activity.»¹

After the complete liberation of the country on November 29, 1944 and the triumph of the people's revolution, with the establishment of the state of the dictatorship of the proletariat and the political, economic and social transformations which ensued in all fields of life in these four decades, all the actual conditions have been created for women to enjoy these rights.

The participation of women in the political life of the country has been constantly increasing. In 1945 the women deputies elected to the highest organ of the state power, the People's Assembly, represented only 7.3 per cent of all the deputies, in 1970 they accounted for 27.3 per cent of them

and in the last elections (November 1982) this figure rose to 30.4 per cent. Women constitute 40.7 per cent of the total number of members of the people's councils of all levels. The membership of women in the leading organs is also considerable: they make up 33 per cent of the members of the Supreme Court of the PSRA and 38 per cent of judges and assistant judges. The Albanian women are active members of the socio-political organizations. They make up 30 per cent of the members of the PLA and 600 000 of them are members of the Women's Organization. Many others are members of other socio-political organizations; 41 per cent of the leaders of these organizations such as the organization of the Democratic Front, the Trade Unions, the Youth Union, are women.

As a result of the creation of the proper conditions and of the constant concern about women effectively enjoying the rights they are guaranteed by law, the women of our country have become a great social force in the socialist construction of the country. The ever greater participation of women in work has radically transformed the consciousness of the women themselves. They consider work as a means of not only securing a livelihood and strengthening their economic independence but also making their own contribution to the construction and consolidation of our socialist homeland.

The position and role of the woman in our country are sanctioned by the Family Code which says: «Liberated from political oppression and economic exploitation, the woman, as a great force of the revolution, enjoys equal rights with man in the family.» (Article 6)

1 *The 2nd Meeting of the Anti-fascist National Liberation Council*, publication of the Presidium of the Anti-fascist National Liberation Council, 1944.

This new position of the Albanian woman both in the family and in society is a real revolution in her life because in Albania the rights recognized by law do not remain only on paper, but are effectively exercised in daily life.

The principle of equality between husband and wife runs through all the provisions of the Family Code like a red thread. «Husband and wife have the same rights and duties towards each other. They must love and respect each other, be faithful to each other, help each other in fulfilling their duties to the family and to society and make their respective contribution to the fulfilment of the material and cultural needs of the family.» Article 24 of this Code says. These prerequisites which are the basis on which a sound family is built must be fulfilled equally by the man and the woman. They fully conform to the best traditions of our people and to the norms of communist morality. At the same time they guarantee the creation of a real socialist family and a happy family life.

The husband and wife jointly solve any problem deriving from the relations created by their marriage. The principle of equality is valid not only for the husband and wife but also for the other members of the family, whether male or female. «The family members have equal rights and duties in the family.» (Article 6 of the Family Code)

3. The communist education of the children in the spirit of patriotism, with revolutionary feelings and lofty virtues so as to be always ready to serve the homeland anywhere it calls

for, is another major principle characteristic of the Albanian family. The raising and education of children is one of the main rights and duties of the parents, a duty which is closely linked with one of the important functions of the family in the socialist society. That is why the family has always drawn the attention of our socialist state and society. The sound education of children with love for their socialist homeland, the people, the Party of Labour of Albania, and work and socialist property, their education with lofty moral virtues, is a patriotic duty. It has to do not only with the interests of children but also with the future of the country, with the training of a generation which will be able to take part in the social life and in the socialist construction of the country. The family is one of the main links where the foundations of the political, ideological, moral and physical education of the children are laid.

In our socialist society, the family, which preserves and develops the patriotic and revolutionary traditions of the people and the Party, raises our political consciousness and forms our moral virtues. Both father and mother have equal duties for raising their children and their communist education with revolutionary feelings and lofty virtues. Here the interests of the individual are combined with the interests of the whole society.

Our state cannot disregard the education of children, its future citizens. So it exercises permanent control on education and the school. In the PSRA «...the education of children by the family is not simply a private matter, it is first of all a major task of society, closely linked not only

with the interests of the family but also with the interests of society, of socialism and communism,» says Comrade Enver Hoxha. The responsibility of the parents for raising and educating their children in the communist spirit is, first of all, a moral responsibility. However, administrative measures are taken against those parents who do not fulfil their duties despite the help offered them.

Our socialist family is also characterized by the care and respect of the children for their parents. This norm of our communist morality and ancient tradition of the Albanian family is reflected in the following article of the Family Code: «Children are duty bound to respect and care for their parents, especially when they are disabled and not in possession of sufficient means of livelihood.»

4. The principle of equality of woman with man which is recognized by law in our socialist reality, also implies protection of the interests of mother and child. The Constitution of the PSRA says: «Mother and child enjoy special care and protection. A mother is entitled to paid leave prior to and after child-birth. The state runs maternity homes and creches and kindergartens for children.» (Article 48)

The protection of mother and child in our socialist society is an indispensable condition for the woman to fulfil her functions as a mother and an active builder and defender of socialism. This principle is fully applied in practice because it is harmonized with laws in other fields of legislation and combined with a series of organiza-

tional, administrative and socio-economic measures created for the woman to fulfil in the best possible manner her functions as a mother and educator of the younger generation and play her role in social productive work.

The Law on the State Social Insurance of the PSRA guarantees the pregnant woman and nursing mother special conditions and facilities intended for the protection of her health and the normal growth and development of the child. Under an amendment to Article 8 of this law maternity leave for women working directly in production either in the city or in the countryside is 170 days (35 days before childbirth and 135 days afterwards).¹ For women engaged in difficult sectors of work this leave extends to 180 days. During this period Social Insurance pays the woman 80 per cent of her average wages in the last three months of work.

Due to the correct demographic policy of our socialist state and the educational work carried out to preserve and further develop the Albanian tradition of a family of many children, the birth rate has increased and the health service network for mother and child has been further extended. The pregnant woman and the nursing mother enjoy special treatment both in the family and in society. The extension of the health service network, well-trained and competent cadres working with a high sense of duty and modern equipment, the mother and child consulting rooms functioning in the remotest villages (there is no village

¹ Law no. 6343, June 27, 1981, *On some amendments to the Law of Social and State Insurance*, «Gazeta zyrtare», no. 4, 1981.

without its midwife), have made it possible for pregnant women and nursing mothers and for all children up to 3 years old to be under constant medical supervision. A hundred per cent of births in the cities and 98 per cent of births in the countryside take place in maternity wards or homes. Before Liberation there was only one maternity home in the whole of Albania whereas nowadays there are 725 maternity wards or homes. Each village has its doctor, midwife and nurses. In 1938 there was one doctor for 8,527 inhabitants whereas today there is one doctor for 583 inhabitants. Special care is devoted to the prevention of diseases and the protection of the mother and child. Mother and child consulting rooms have become real schools for the health education of mothers, teaching them how to take care of themselves and how to raise their children. Medical service is free of charge in our country for all citizens. Article 47 of the Constitution of the PSRA says: *«The state guarantees to citizens the necessary medical services as well as medical treatment in the health centres of the country, free of charge.»* This is another great victory for our people, the Party of Labour of Albania and our people's state power in the field of medicine. On the basis of special ordinances of the Council of Ministers of 1959, medicines for infants up to 1 year of age are provided free of charge both in the city and in the countryside.

All these measures have created the conditions for a high birth rate. Consequently, Albania is the country with the highest birth rate and the highest growth rate in Europe. The average annual growth rate is 27 per thousand. Nearly 75 per cent of the population is under 40 years

of age. The death rate has fallen to 6.3 per thousand in 1979 from 17.8 per thousand it was in 1938. These figures show that in socialist Albania care for man stands over everything.

Albanian mothers having given birth to, brought up and educated more than 8 children in the spirit of socialist patriotism are awarded the title «Mother Heroine» when all their children are alive and the youngest is one year old. Mothers having given birth, raised and educated 4 to 7 children are awarded the order of «Mother's Glory» of the 1st, 2nd and 3rd class for 7, 6, and 4-5 children respectively. In 1978 there were 13,000 mothers with more than 7 children having been awarded various medals and orders up to the lofty title of «Mother Heroine», with all the children healthy and well educated.

Likewise, for every child born, the parent, whether a worker or employee in active service or retired, receives a subsidy in money from Social Insurance (Article 14 of the law on Social Insurance). Mothers of many children are entitled to a subsidy on the birth of their third child. This subsidy increases with every successive child. (Decree no. 1170. December 3, 1953 «On state aid in money for mothers with many children or single mothers».)

Our socialist state comes to the aid of mothers also through a large network of pre-school institutions where children are guaranteed the necessary supervision for the time their mothers are at work. The number of these institutions has been constantly increasing. In 1981 there were 2,533 creches as against 580 in 1967. The number of kindergartens has also increased along with the number of children in them, which has in-

creased by 21,000. In 1981 there were 2,836 kindergartens as against 413 in 1967. Most of them are in the countryside. Forty-nine thousand children pass most of their day in these kindergartens.

The special care children enjoy in our country is reflected in the Constitution, which says, *«the children bereaved of their parents and without support are brought up and educated by the state.»* The Family Code envisages that *«young children who are bereaved of the care of their parents because both parents are dead, unknown or declared missing, deprived of their parental rights or the right to act, are under the special care and protection of the state.»* (Article 102). These children are brought up and educated by our socialist state in special institutions such as infants' and children's homes where they are brought up and trained to work as the future builders of socialism in various fields of the socio-economic development.

Our socialist state and society have also created all the conditions for these children to be brought up in happy families. The Family legislation envisages the institution of adoption. In regard to adoption, too, woman has equal rights with man. The woman is recognized the right to adopt a small child. The law on adoption is first of all aimed at serving the interests of children. At the same time it is intended to comply with the desires of childless couples. The new Family Code does not allow the adoption of grown-ups because the main aim of adoption is to make it possible for children to be raised in families. The adopted children are members of the family that adopts them with the same rights and duties as

they would have in their original family. As soon as they are adopted, they sever all links with the original family. Adoption cannot be repealed.

5. Mutual help and moral and material support among family members constitutes another principle on which our family is based. This principle stems from the specific nature of family relations themselves and enjoys the full support of our socialist society. It is based on the finest traditions of the Albanian family which sees egoism, indifference towards and neglect of elderly family members such as parents, grandparents, or a disabled sister or brother, as alien manifestations.

This principle is juridically expressed in Article 11 of the Family Code which says: *«The members of the family are duty bound to help one another and to contribute to the raising of the material well-being and cultural development of the family in accordance with their abilities and possibilities.»*

The above-mentioned principle is also sanctioned in a number of other provisions and especially in Chapter 8, *«Obligation of alimony»* of the Family Code. Under this chapter parents are bound to provide alimony for their children up to 18 years of age (up to 25 years of age for students of middle or higher schools). Under this law either spouse is obliged to provide for the sustenance of his or her disabled partner, just as children or grandchildren must maintain their parents or grand-parents in case of disability or lack of means of livelihood. (Articles 79-91 of the Family Code).

This principle is also combined with the aid and support of the state for the working people of both city and countryside and for individual families or their members by means of family, invalidity or work seniority pensions, as well as a number of state institutions for the accommodation of old people and invalids.

6. In socialist Albania, only the civil marriage, i.e. the marriage contracted before the competent state organ, is recognized and protected by law. Marriage is a laic institution and there is no impediment whatsoever to mixed marriages. Moreover, in our social reality and under the legislation in force, no religious marriage can be concluded. All religious institutions, all churches and mosques were closed down in 1967 as a result of a movement of the broad working masses and the youth under the leadership of the Party. Some of these churches and mosques are preserved today as monuments of culture.

7. Monogamy is one of the fundamental principles characterizing our family. Our state recognizes only the monogamous marriage and condemns any violation of this practice. Articles 15 and 21 of the Family Code say: «Marriage cannot be contracted between two persons one of whom is already married,» and «A marriage contracted in opposition to Article 15 of this Code is considered invalid.»

In our socialist society, equality between

man and woman in the economic and juridical field, makes marriage a voluntary union of man and woman. Socialist morality and rules of social existence prevent the emergence or development of polygamy in any form.

III

MARRIAGE IN OUR SOCIALIST SOCIETY

Marriage in socialist society is based on the pure and sincere love of two persons. It is the legal basis on which the family is built. Marriage, an important step in the life of man, lays the foundations of the family, so special importance is attached to its being built on a sound basis, on the basis of mutual love and acquaintance.

The world outlook and psychological motives from which most young people proceed in their marriage, are those of a socialist society. The marriage partner is chosen on the basis of love, his or her stand towards political and moral questions, work, etc., as well as his or her educational and cultural level. These motives are supported both by the family and by society.

Because of the important role of marriage and

family in society, the Constitution of the People's Socialist Republic of Albania lays down the principle that marriage and family are under the care and protection of the state and society (Article 49).

If marriage were not the basis of the family, Marx stresses in his draft on divorce, it would not be an object of legislation like friendship. That is why our socialist state pays special attention to the problems which have to do with marriage and family and treats them as problems of the whole society.

Therefore, marriage is the *free* union of a man with a woman. The only motive from which the future spouses proceed in getting married is mutual sympathy and attraction and not material interests. All the conditions have been created in socialist Albania for man or woman not to proceed from material economic interests in choosing their partner, something which was characteristic of the marriage of the past. «The abolition of the bourgeois relations of ownership,» Engels teaches us, «will create the possibility for complete freedom in the contraction of marriage which will be based on no other motive than mutual love. Thus, communism will transform the relations between husband and wife into simply personal relations.»

Marriage is the *voluntary* union of a man with a woman. So, it is up to the young man and woman to decide if they want to get married or not. Therefore, the free will of the future spouses is one of the main bases on which marriage rests.

So our penal legislation considers abduction of women and forced marriage, engagements ar-

ranged between two persons who have not yet reached the age of consent, wife buying, forced cohabitation or forced dissolution of marriage penal offences. (Articles 182-192 of the Penal Code).

Marriage is a *lasting* union between a man and a woman because the aim of the spouses in getting married is to create a sound family, so their mutual relations have a permanent character. Trial marriage is not allowed in Albania.

However, the fact that marriage is a lasting connection does not mean that it is indissoluble. A marriage is dissolved by law only when it is proved that the relations between the spouses have been profoundly shaken and that the continuation of married life has become impossible.

Marriage in our socialist society is a free, voluntary and lasting union between a man and a woman who enjoy *equal rights* and none of whom has any special power over the other. The principle of equal rights for both husband and wife is one of the main features of marriage in our country.

Marriage is based on *mutual love and acquaintance* which constitute the basis on which the socialist family is built.

«The Party,» says Comrade Enver Hoxha, «defined the Marxist-Leninist line of a truly sound and lasting marriage on the basis of mutual acquaintance, free and open sympathy, sincerity and pure and ardent proletarian love between the young man and woman.»¹ The view

of our Party on the bases on which a sound marriage must be built is embodied in the provisions of the Family Code. Article 13 of this Code says: «Marriage is contracted on the desire of the future spouses, on the basis of mutual acquaintance and love.»

Our Marxist-Leninist concept of the freedom of love has nothing in common with bourgeois free love which justifies frivolity and dissipation in the relations of young people. Lenin has stressed that there are two meanings to the freedom of love: «A man of loose bourgeois morals seeks freedom from the seriousness of love, from the birth of children, freedom for extramarital relations which have nothing in common with the freedom of love as we communists see it.»¹

A stern ideological struggle is waged against both liberal bourgeois-revisionist influences and manifestations of conservatism, two extremes, in marriage and family relations. The Party has always stood for a sound, revolutionary concept of love and marriage.

Our new family is based on *mutual help and respect, marital faithfulness*, and joint efforts to follow the same road, to overcome difficulties and to make oneself useful to the family. Harmony between husband and wife and mutual moral and material assistance are aspects of socialist democracy in the family. This is especially important for the woman because the creation of special conditions for her cultured recreation and for the uplift of her educational and cultural level

¹ Enver Hoxha, *Reports and Speeches, 1969-1970*, p. 143, Alb. ed.

¹ Marx-Engels, Lenin, Stalin, *On the Question of the Woman*, Tirana 1977, p. 252, Alb. ed.

results in the strengthening of her role as mother and of the role of the family in general.

Marriage in Albania is not only an institution for the fulfilment of natural and moral needs. Its main aim is the *creation of the family*, the joint fulfilment of the obligations of the spouses to each other and their children. The upbringing of children and their proper education and normal physical and moral development call for the efforts of both mother and father, therefore, marriage in itself is a union entailing *rights and duties* for husband and wife. This is one of the features which distinguishes marriage from cohabitation which entails no marital rights and duties and enjoys no protection on the part of the state.

Marriage can be contracted only before the competent state organ. This organ is the registry office of the respective people's council. The bride and bridegroom or one of them must live in the territory covered by the respective people's council. Marriage is contracted in the presence of a member of the people's council, of the two future spouses, of two witnesses and the official of the registry office. (Article 18 of the Family Code) This is compulsory by law. The youngest marrying age is 16 years for women and 18 years for men. Demographic data show that in 1981 56.3 per cent of the brides were 20-24 years old and only 27.0 per cent were under 20 years on the day of their marriage. The figures for bridegrooms were 42.4 per cent for those 24-29 years old and 39.4 per cent for those under 25 years of age.

Marriage is not only a social institution but also a juridical institution, because the conditions

for the contraction of a marriage, the rights and duties of the spouses, the grounds for the dissolution of marriage, etc. are defined by law.

The juridical regulation of the relations created as a result of marriage is necessary because of the major role it plays in society.

IV

THE RIGHTS AND DUTIES OF SPOUSES

As a juridical institution, marriage entails a series of rights and duties.

Because of their nature, some of the relations which are created as a result of marriage, especially the personal relations, are regulated by moral norms which are consciously respected by force of tradition, civic education, public opinion, etc. The other relations, that is, those of a social character, are regulated by law.

In the regulation of these relations, our legislation proceeds from the Marxist-Leninist principle that nobody can be forced to marry, but when married, he is obliged to abide by the laws of marriage.

Assessing the importance of marriage and the family, Comrade Enver Hoxha has pointed out:

«There can be no socialist society and socialist family, there can be no happy family life without everybody understanding that relations between husband and wife must be characterized by equal rights and duties, by mutual trust, respect and love between them.»

Proceeding from these teachings, our socialist law regulates these relations on the basis of the principle of equality of husband with wife. This is also the distinguishing feature of our socialist family.

Among the rights and obligations of the married couple is that of cohabitation. This is in the logic of the meaning of marriage, as a union of cohabiting husband and wife. People marry to live together in order to help each other in case of need or illness, to procreate and raise children and form a family community. If they were not to live together, these aims could not be achieved.

Our socialist family is characterized by the common opinions, ideals and interests of the spouses. Each spouse is the other's dearest life friend. Mutual love between the spouses is a moral demand which stems from the very nature of marriage. It is among the good traditions of our people, which lives on from one generation to the other. Considering its importance in the strengthening of marriage and family relations, Article 24 of the Family Code says, amongst other things, that the spouses should love and be faithful to each other. Breach of marital fidelity has juridical consequences, and entitles the consort to apply for divorce.

In our country, where the principle of monogamy has become a reality, the mutual obliga-

tion of husband and wife to be faithful to each other has been implanted deep in people's consciousness. The theories of the bourgeois «scientists», according to which, «man is a *polygamous* creature, and the sexual instinct, by its every nature, does not stand uniformity and monotony», are alien to our socialist society. They are justifications to excuse the ever more frequent adulteries and temporary liaisons and the ensuing decay of the family in the bourgeois-revisionist countries.

It is true that in the socialist society, the first stage of communist society, feudal and patriarchal leftovers still remain in people's consciousness and manifest themselves in family relations like, for example, in the stand toward woman.

At the same time, the family is still under the influence of manifestations of the alien bourgeois and revisionist ideology and psychology. At this stage the new comes into life through fierce struggle with the old, especially the leftovers from the feudal and bourgeois family, which are not so easily uprooted from people's consciousness. Their eradication takes time, goes through several stages of education work of the society. The struggle against alien influences whether leftovers from the past or such as originate from bourgeois and revisionist influence and the affirmation of the Marxist-Leninist world outlook on the family play an important role in strengthening the family:

Mutual respect and assistance between husband and wife is an indispensable condition for good marital relations and harmony in the family. This is another distinguishing feature of the

family of the socialist type in Albania and an aspect of socialist democracy in the family. Mutual respect and assistance between husband and wife make the relationship between them ever stronger and life in the family ever more rewarding. Mutual help in our family has a broader meaning than simple assistance in case of need or illness. It is especially necessary in the family of the socialist type, where wife, like husband, takes part in social production and contributes her share to the raising of the family's well-being. In these conditions, the woman must be relieved of much of household chores which, as is known, in the past were only for her to perform. The concept that «women alone do housework», belongs to a period when women lived indoors, away from all social and productive activities. So this concept is alien to our society. Now all family members must do housework. Along with the assistance provided by society to make housework lighter, the family members, too, contribute to relieving the woman of great part of it so that she may have more time to rest, broaden her cultural horizon and improve her education.

Through the joint efforts of husband and wife distinctions between them have narrowed and they have been made equal not only before the law but also in life and family relations. The Party of Labour of Albania considers this a question of major importance for the construction of socialism, because the level of education and socialist relations in the family determine also the level of the emancipation of the woman, along with the achievements in social production and in the economic development.

Before the liberation of Albania the woman

was not free to choose her job or profession. Today, however, the wife is as free as her husband and to choose her job and profession. Our legislation has no limitations whatsoever to the right of the woman to choose a job and profession to her liking. So, she can maintain her independence and freedom, as marriage is contracted on the principle of equal rights between husband and wife. So, the spouses exercise one of their individual rights in the field of family relations, too, which are sanctioned in the Constitution.

The law states that among the rights of the married couple is that of choosing the surname they will keep after marriage. They have the option:

- a) to keep the one or the other's surname as their common surname
- b) each of them to keep his or her own surname.

Article 26 of the Family Code on the surname of the couple says explicitly that the husband and wife can keep the husband's or the wife's surname as their common surname.

Hence, the law has solved the question of the surname in the contracting of marriage in full conformity with the principle of equality of rights between husband and wife and leaves it to their free will to make their choice.

The new Family Code has provided a new solution also to the problem of the surname of the children born from the marriage. Article 27 of this Code states that «The child takes the common surname of his parents. When the parents have different surnames, all the children keep one of them — that which the parents will decide by mutual agreement.» Hence, the parents, al-

though they may be in agreement with each other, are not allowed to give different surnames to their children. Only when the parents do not agree to the surname the child will take, the problem is decided according to tradition — the child takes his father's surname.

For marriage to perform its functions, the married couple should cohabit.

Here, too, the law proceeds from democratic principles, that of equality of rights. The husband and wife choose their place of residence in agreement with each other. This is also stated in Article 25 of the Family Code which says that, «The spouses decide unanimously on everything that has to do with marriage relations». This provision invalidates the former one which considered the husband's place of residence as the couple's place of residence, the wife being obliged to follow her husband wherever he chose to live. Failure to fulfil this obligation entitled the husband to apply for divorce.

Our legislation sanctions that, when for justified reasons one of the spouses is obliged to change his place of residence, the other cannot be forced to follow him if he or she does not want to. However, this right of the latter should be well-based, otherwise the chief element of marriage, that of cohabitation, is not realized.

Only when one of the spouses has no reason for not following the other and they live apart for a long time, there can be grounds for divorce, but when either husband or wife leaves the common place of residence for justified reasons, no juridical consequence ensues.

In the regulation of individual relations between husband and wife as well as the manage-

ment of their common property, our socialist legislation is guided by the principle of the complete equality of rights between them. Marriage does not bring about any change in the property the spouses have had before its contraction, nor has the husband or the wife the right of its independent administration. Article 86 of the Civil Code of the PSRA stipulates that only «objects, savings account deposits or other property acquired by the spouses after their marriage are common property.» The spouses have equal rights on property acquired in common. The share of either of them, however, increases or diminishes according to either's contribution to common property through production work, housework, or work for its administration and increase. Personal belongings are not included in the spouses' common property.

Equality of rights to matrimonial property finds its expression also in the right of the spouses to the ownership and administration of this common property. They use it and share its benefits in agreements with each other. For these rights to be exercised, the consent of either spouse is required. So, juridical acts involving donation, sale, depositing, etc. of their movable common property which are performed by one spouse, are valid even without the consent of the other. Only alienation (donation sale, exchange) of their immovable joint property always requires the consent of both of them. The law on immovable joint property (Article 87 of the Civil Code) is intended to defend the interests of either of them and, in the first place, those of the woman.

In the PSR of Albania divorce is recognized

by law and granted on its basis. In certain circumstances, divorce is unavoidable and may even be beneficial when marriage has lost its meaning. Proceeding from the Marxist-Leninist principles on marriage, our family legislation envisages the possibility of its dissolution, when this is demanded by either spouse and when the court is convinced that marriage relations are seriously affected and cohabitation is impossible. Albanian law does not leave the assessment of the state of relations between husband and wife to either's subjective judgement, for this would pave the way for liberalism, corruption and harm the interests of the family. The Family Code considers the court as the only state organ competent in the dissolution of marriage.

Unlike the legislations of the capitalist or revisionist countries, our socialist legislation prohibits the dissolution of marriage outside the control of the juridical organs. Nor does it grant divorce if the spouses do not put forward the reasons why they want to be divorced.

The concept of the indissolubility of marriage is alien to our country and either spouse is entitled to the right of divorce, but this does not in the least rule out agitation against divorce in special cases, as Lenin said.

In the course of the struggle for the emancipation of the woman and the strengthening of our new family, against any conservative influence aimed at preserving the traditions of the patriarchal family, or against any liberal tendency to imitate the bourgeois family, our society educates the women not to tolerate harmful customs and practices, either conservative or liberal, only for the sake of holding the family together. At

the same time, a large-scale educative work is being carried out by the state organs and social organizations to establish the norms of communist morality in every family, as well as to prevent groundless demands for divorce. In this direction, the social and political organizations, which function in all city quarters, towns and work places, have gained a rich experience in co-ordinating work against divorces and, in many cases, preventing them.

Unlike the incomparably high rate of divorce in the bourgeois and revisionist countries, divorce in Albania does not pose a serious problem. Divorces occur mainly in families built on unsound bases and in hasty marriages. The various social organizations and public opinion always take a stern stand towards any action harming the interests of the family and children, in particular.

In settling family conflicts, when cohabitation is impossible and the marriage has to be dissolved, the court is always guided by the principle of protecting the interests of the mother and children. The children of divorced parents are given to the care of the consort with better moral and political conditions for their proper education. Both parents are obliged to contribute, in proportion to their economic condition, to the maintenance of children.

In Albania the right of divorce is recognized both to husband and wife. This indicates that all the economic and social conditions are created for the Albanian woman to enjoy the rights recognized to her by law. Being economically independent, the Albanian woman knows how to exercise this right of hers as a means to achieve her emancipation when, despite all her efforts

and those of society, it becomes for her impossible to lead a normal life in the family, in conformity with the norms of the communist morality.

The full equality of rights between husband and wife is also reflected in the *legislation on inheritance*. In the inheritance laws no distinction is made between the rights of the husband and those of the wife. The children of both sexes are entitled to equal shares of the estate. The husband, wife, children and disabled parents, are considered as heirs of the first degree. All of them inherit equal shares. When the deceased has left no children or other heirs of the first degree along with his or her consort, his able-bodied parents or the disabled who had been living as his dependents for at least one year before his demise, are entitled to a share of his estate. All of them inherit equal shares, but one of the consorts (husband or wife) is entitled to no less than half of the estate of the deceased (Articles 104 and 105 of the Civil Code). In this field, too, the Albanian legislation applies the principle of equality of rights to all the members of the family, making no distinction between husband or wife, girl or boy, sister or brother.

V

THE POSITION OF WOMAN IN OUR SOCIALIST SOCIETY

In the PSR of Albania the complete emancipation of the woman is considered a question of utmost importance. The struggle for the construction of socialism and the struggle for the complete emancipation of the woman are dialectically linked with each other and constitute two moments which influence each other.

The participation of the woman in social production is the decisive factor for her complete emancipation, along with her broad and effective participation in socio-political life and in the running of state affairs. Without her participation the revolution and the socialist construction of the country cannot be carried forward. This scientific conclusion has been confirmed in the revolutionary practice of the construction of socialism

in Albania during these 40 years of the people's state power.

The emancipation of the woman, this incomparable victory of socialist Albania, is the result of the establishment of socialist relations, the destruction of the political and economic power of the feudal bourgeoisie, the carrying out of the political revolution by our socialist state, as well as of the creation of the necessary conditions for the fulfilment of the woman's rights.

Immediately after Liberation, the Communist Party of Albania pointed out that socialism could not be built without the direct participation of the women and girls, without their colossal physical and intellectual energies. So, all the victories achieved, all the progress made in our country in all fields of life, are closely related to the ability, work and revolutionary determination of our women. They have made a major contribution to the consolidation of the victories of the revolution, the defence and development of the socialist order in Albania.

The emancipation of the woman could not be achieved if the woman continued to remain secluded at home. The program of the Party for the emancipation of the Albanian woman underlined that the economic independence of the woman, which is ensured through her participation in social productive activities underlies the basis of her emancipation. Only in this way did the woman possessing equal rights with man take part in the management of political affairs, contribute to the socialist construction of the country, while at the same time developing her own personality and enhancing her educative role in the family.

In the PSR of Albania the participation of the woman in social production is considered an important and indispensable factor which enables her to contribute to the socialist construction of the country and, in the process, emancipate herself and the whole society.

Her participation in the economic life was not achieved easily. Major difficulties had to be overcome in this important aspect of the process of her complete emancipation both in the creation of the necessary material conditions and in combating religious prejudices and backward customs, which were responsible for her former secluded life.

The great political-ideological and organizational work, as well as the measures of a political, juridical, economic and social character which were taken in the different stages of the construction of socialism, played a major role in the implementation of the revolutionary program of the Party of Labour of Albania for the genuine emancipation of the woman.

The low educational and cultural level of the women was a serious obstacle to their emancipation. The backwardness in which the anti-popular regimes had left women, 94 per cent of whom were illiterate, had put them in a condition of profound inferiority to men. So, in the first years after the liberation of Albania much work was done for drawing women into the more ordinary jobs, later, with the extension of the production sectors which called for skilled work, the raising of the educational and professional level of women became indispensable. Because of their better education men did almost all the skilled work and occupied managerial

posts. This contradiction began to be gradually solved only when women began to attend full- and part-time school, qualification courses, when the first women engineers, physicians, architects, agronomers, and others graduated our higher schools and the University. The socialist industrialization of the country, the collectivization of agriculture, the development of the economy and culture, the further deepening of the people's revolution provided the conditions for women's large-scale participation in activities in all the fields of life and their enjoying real equality with men.

Thanks to the great care and work of the Party of Labour of Albania and the state of the dictatorship of the proletariat, women have now become a major social force in the socialist construction of the country. In 1960 women accounted for 25 per cent of the working people of the various sectors of the economy, as against 4 per cent they were in 1938; in 1970 this percentage was 38 and in 1982 they made up 46 per cent of the total number of working people. Today women make up 53 per cent of the members of the agricultural cooperatives. At present women are found in all the sectors of the economy and culture.

The measure taken by the people's state power for the creation of conditions to facilitate women's work in production and at home have played a significant role in increasing the participation of women in production work. Creches and kindergartens as well as other institutions, such as canteens, public baths, laundries and other kinds of public services were set up in towns and agricultural cooperatives to lighten

women's housework, so as to leave them time to contribute to the construction of socialist society.

Today the Albanian woman is active in all the branches of the economy. Women work in such important branches as metalurgy and chemical industry, oil-processing and ore-enrichment plants, engineering factories and electric power stations, as well as in many branches and sectors which, owing to the high technical-professional skills involved, formerly were the exclusive domain of men. The number of women working in automatized and mechanized departments and high-precision processes has increased three times as against 1960. The number of skilled women workers in agricultural cooperatives has increased, too. Women make up 13 per cent of the specialists of higher training in agriculture.

In 1979 as against 1960, the number of women engaged in industry increased 5.9 times, in construction 3.2 times, in trade and procurement 2.1 times, in transport and communications 8.3 times, in education 4.5 times, in the health service 3.9 times, in administration 2.9 times, and in the cooperativist sector of agriculture 2.3 times.

In certain branches of the economy and services most of the working people are women. Thus for example, women make up 60 per cent of all the workers in the light and food-processing industry, 70 per cent in the health service, 80 per cent in the textile and shoe factories and 92 per cent in work-shops of artistic articles.

So, the problem of the emancipation of women has on a whole been solved and a radical change has taken place in their world outlook and consciousness. Now women themselves regard

work not merely as a means of livelihood and economic independence, but an indispensibility for their political and ideological development which enables them to contribute to the construction and strengthening of our socialist Homeland.

The enhancement of participation of women in social production and their ever higher educational and technical-professional level, the vigorous economic and cultural development of the country and, more important, the extensive educative work carried out to raise the consciousness of the working woman, have enabled her to distinguish herself in the field of science and technique, too. Many women have made inventions, rationalizations and innovations, are members of scientific nuclei and designing groups. Today, of the total number of the working people engaged in the movement for rationalizations and innovations 30 per cent are women.

The successes of the Albanian woman are proof of the major and deep-going revolution that has taken place in her life under the conditions of socialism and that has ensured her all the possibilities to march always forward.

School has played an important role in this direction. While before the liberation of Albania there were only 5-6 women with higher schooling, today women and girls account for 44 per cent of those graduated from secondary and higher schools.

In the PSR of Albania there are thousands of women cadres working in various sectors of the economy. In 1981 47 per cent of the specialists of medium training and 32 per cent of the specialists of higher training were women, as against 39 and 14.4 per cent respectively in 1968.

Likewise, 48 per cent of doctors, 43 per cent of economists, 41 per cent of teachers, 19 per cent of engineers, 27 per cent of agronomers, etc. are women.

Today women engineers, agronomists, economists, lawyers, teachers, doctors, nurses, and others represent a large army. The number of women teachers alone is over 14,950.

Thousands of women and girls attend full and part-time schools. 20,500 women and girls attend middle schools and 6,212 higher schools. As for all the working people, the state has created very favourable conditions for women, too. On school days they work one hour less. Apart from this, a supplementary full-paid leave is given to them to prepare to sit for examinations.

In the PSR of Albania the rights of women to take part in social production are guaranteed by special laws which regulate their juridical position by correctly combining the interests of society with the physiological peculiarities of women as mothers.

The juridical equality of women with men in the field of socialist work relations rests on the socialist order established in Albania. The rights women enjoy in the field of the social work relations are sanctioned in the Constitution of the PSR of Albania, which states that «The women enjoys equal rights with men in work, pay, holidays, social security, education, in all social-political activity as well as in the family.»

The Constitution of the PSRA, in the popular discussion about which more than 107,000 women took part, underlies all legislation that regulates the main directions of the participation of women in production and other fields of economic and

social life and defines their rights, duties and role in the socialist organization of labour.

The laws of the PSR of Albania guarantee to women the possibility of taking jobs in all professions and specialities, with some exceptions due to their physiological peculiarities and the need for the protection of mother and child. This does by no means violate the principle of equality, but is intended to guarantee the protection of women at work. So, according to the Labour Code, women and children under 18 are not allowed to work underground, cannot be assigned to heavy jobs or such as may impair their health (Article 76). Likewise, under Article 33 of the Labour Code, pregnant or nursing mothers, as well as children under 16, are not allowed to work in night shifts or such as extend beyond the normal working time. For the protection of the health of pregnant women the Labour Code states that the administration of the work place is obliged to find her a lighter job, while making up for the difference in her pay.

The normal working time for workers and officials is 8 hours a day. In order to protect the interests and rights of children, the law states that the working day is 6 hours for children under 16 who, besides the normal pay, are entitled to an allowance equal to the pay of 2 hours of work.

Paid leave before and after childbirth occupies a central place in the many measures intended for the protection of the health of women working in industry, agriculture and administration. Our legislation, which is an expression of the policy of the Party, provides a number of facilities for pregnant and nursing women.

Favourable conditions for women are also envisaged in other legal dispositions dealing with childbirth leave. Thus, a woman who has completed her childbirth leave, in special cases, is entitled to an up to 3 months unpaid leave. Likewise, 3 months of unpaid leave each year can be accorded to women workers or officials with children up to 3 years of age (Article 41 of the Labour Code).

Women workers and officials with children of up to 6 months are allowed a break of not less than half an hour every 3 hours to feed their babies. This break is included in the working time (Article 34 of the Labour Code).

In case of illness of children under 7 years, the parent (usually the mother) who cares for the sick child at home and there is no other person in the family to substitute her, is entitled to an aid in money equal to 60 per cent of her average pay (Article 11 of the Law on State Social Insurance). When the sick child is under 2 years of age, according to Article 11 of the Law on State Social Insurance, the aid in money is given to the mother even if there are other people in the family that could look after him. When a child under 2 years is hospitalized and the doctors deem it necessary for the mother to be beside him, the above-mentioned aid is given to the mother for all the time she stays in the hospital with her sick child (the last paragraph of Article 11 of the Law on State Social Insurance).

Apart from what is stated above, the woman, just as the man, has the right to take a paid annual leave of 12 days after a period of 11 months of uninterrupted work (Article 37 of the Labour Code). Women engaged in scientific, sports

or artistic-amateur activities are entitled to a supplementary leave the extension of which is determined by decision of the Council of Ministers. Teachers and educators are entitled to an extra leave of 12 to 36 days.

Our state ensures conditions for a cultured rest for women, just as it does for all the working people.

Through the State Social Insurance, as all the working people of the Republic, the women workers and officials have the right of pension, that is, material means of livelihood in old age. Women enjoy this right in conditions more favourable than men. They go on pension 5 years earlier and with seniority at work of five years less than men, irrespective of the kind of their work. Thus whereas men in jobs of the first category are entitled to an old-age pension after 50 years of age and 20 years of work, women in the same jobs go on pension after 45 years of age and with a seniority at work of 15 years. Men in jobs of the second category go on pension at 55 years of age and with a seniority at work of 25 years, and women at 50 years of age and with a seniority at work of 20 years. Men in jobs of the third category go on pension at 60 years, with a seniority at work of 25 years and women 55 years, after having worked for 20 years. Apart from this, like men, women, too, are entitled to an incomplete pension when, although they have reached pension age, their seniority at work is less than 10 years. In the latter case the amount of the pension is calculated according to the seniority at work, but cannot, however, be less than half the full pension (Article 17 of the Law on State Social Insurance).

Our legislation has many provisions in favour of working mothers of many children. Mothers of six or more children of up to 8 years of age are entitled to an old-age pension at the age of 50 and with a seniority at work of only 15 years (Article 18 of the Law on State Social Insurance).

Thanks to the successful completion of the collectivization of agriculture and the economic-organizational strengthening of the agricultural cooperatives, the conditions were created for the extension of the system of pensions to the members of the agricultural cooperatives, too. So, on the basis of the Law no. 4976, dated 29.6.1972, «On Pensions for the Members of Agricultural Cooperatives», all cooperativists over 65 years of age (men) and over 55 years (women), with a seniority at work of 25 and 20 years respectively, are entitled to an old-age pension.

Unlike the capitalist and revisionist countries, where the law formally recognizes some rights for the woman; whereas in fact, she is discriminated against at work, in society and the family, in our socialist country the rights and freedoms of citizens do not remain empty phrases, but are carried out effectively. In order to ensure that women actually enjoy the rights sanctioned in the Constitution and the other laws, they are guaranteed special juridical protection in the dispositions of the Penal Code, too. Since 1952, when the Penal Code came in force, unemployment or dismissal of women on grounds of their pregnant state or reduction of their pay for the same reasons, has been considered a criminal offence (Article 196 of the former Penal Code). In order to guarantee the effective application of the equality of rights between women and men the

new Penal Code, which came into force in October 1977, condemns «The international hindering of the application of the equality of rights between women and men in pay, the state social insurance, education, and all social and political activities».

The broad participation of the Albanian woman in work relations, her all-round political and ideological development in the spirit of Marxism-Leninism and the teachings of the Party and Comrade Enver Hoxha, the all-sided enhancement of her role — all this convincingly proves that the socialist social order alone is capable of solving the many and complex problems of the process of the emancipation of the woman and of the enhancement of her role in our new socialist family.

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